

**Smith, Michael B.**

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**From:** Daniel Cloherty <dcloherty@clohertysteinberg.com>  
**Sent:** Thursday, July 11, 2024 17:44  
**To:** Smith, Michael B.  
**Cc:** Alexandra Arnold  
**Subject:** RE: Fadi Boustany Subpoena

Ok thanks.

Daniel J. Cloherty



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**From:** Smith, Michael B. <msmith@lupkinpllc.com>  
**Sent:** Thursday, July 11, 2024 5:15 PM  
**To:** Daniel Cloherty <dcloherty@clohertysteinberg.com>  
**Cc:** Alexandra Arnold <aarnold@clohertysteinberg.com>  
**Subject:** RE: Fadi Boustany Subpoena

Thanks, Danny. This works for us.

**Michael B. Smith**



Tel: (646) 367-2776

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**From:** Daniel Cloherty <[dcloherty@clohertysteinberg.com](mailto:dcloherty@clohertysteinberg.com)>  
**Sent:** Thursday, July 11, 2024 10:14  
**To:** Smith, Michael B. <[msmith@lupkinpllc.com](mailto:msmith@lupkinpllc.com)>  
**Cc:** Alexandra Arnold <[aarnold@clohertysteinberg.com](mailto:aarnold@clohertysteinberg.com)>  
**Subject:** RE: Fadi Boustany Subpoena

Thanks for your email.

I would propose the following modest revision, which I believe is not substantively different, but which adds a bit of clarity. Let me know your thoughts about this:

After meeting and conferring, Clara and Harvard agreed to a procedure that addresses their respective concerns regarding the scope of the subpoena. Specifically: (1) Harvard will

search Harvard Business School records for the terms *Boustany*, *Solidere*, and *Metropole*; (2) to the extent those searches yield responsive documents, Harvard will produce those documents, including the details of pertinent transactions, such as transaction amounts and information concerning accounts associated with Boustany, Solidere, or Metropole, but redacting confidential information of Harvard and/or its students, including Harvard or student account numbers and any information protected by the Family Educational Rights and Privacy Act; and (3) to the extent the results of Harvard's searches point to transactions between Boustany/Solidere/Metropole and Harvard, Harvard will make reasonable efforts to locate and produce records of such transactions that may be maintained outside of Harvard Business School, with appropriate redactions as described above. In addition, Clara has clarified that the temporal scope of the subpoena is limited to the period from January 1, 2018, to the present.

Daniel J. Cloherty



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